

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Kenneth Williams,

Plaintiff,

v.

Case No. 08-14246

Costco Wholesale Corporation,

Honorable Sean F. Cox

Defendant.

**ORDER GRANTING DEFENDANT'S MOTION SEEKING
AMENDED JUDGMENT THAT INCLUDES COSTS**

This matter is currently before the Court on Defendant's Motion for Entry Of Judgment. (Docket Entry No. 36). The Court finds that the issues have been adequately presented in the parties' briefs and that oral argument would not significantly aid the decisional process. *See* Local Rule 7.1(e)(2), U.S. District Court, Eastern District of Michigan. The Court therefore orders that the motion will be decided upon the briefs. For the reasons that follow, the motion shall be GRANTED.

Plaintiff Kenneth Williams ("Plaintiff") filed this employment discrimination and retaliation action against Defendant Costco Wholesale Corporation ("Defendant") on October 6, 2008.

In an Opinion & Order issued on October 15, 2009, this Court granted summary judgment in favor of Defendant. (Docket Entry No. 32). This Court issued a judgment the same day. (Docket Entry No. 33).

On November 12, 2009, Defendant filed a Bill of Costs. (Docket Entry No. 34). On

November 13, 2009, the Clerk of the Court taxed costs in the amount of \$3,246.29 against Plaintiff. (Docket Entry No. 35). Plaintiff did not file any objections to the costs taxed.

On January 21, 2010, Defendant filed a motion asking this Court to issue an amended judgment incorporating the bill of costs. (Docket Entry No. 36). Plaintiff did not file any response to the motion within the time permitted by the Local Rules for the Eastern District of Michigan. Nevertheless, this Court ordered Plaintiff to show cause, in writing, no later than March 26, 2010, why the Court should not grant the relief requested by Defendant. Plaintiff did not file a response to that order by March 26, 2010.

On March 30, 2010, Plaintiff's Counsel filed an untimely response wherein he asserts that the motion should not be granted because this case did not go through mediation and Plaintiff will be unable to pay any judgment issued. Plaintiff did not provide any authority for his position and the Court finds Plaintiff's position without merit.

Defendant did not obtain an award of mediation sanctions. Rather, Defendant obtained an award of costs pursuant to 28 U.S.C. § 1920, FED. R. CIV. P. 54(d)(1) and Local Rule 54.1. Defendant filed a Bill of Costs in this action (Docket Entry No. 34) and on November 13, 2009, the Clerk of the Court taxed costs in the amount of \$3,246.29 against Plaintiff. (Docket Entry No. 35). Notably, Plaintiff did not file any objections to the costs taxed.

28 U.S.C. § 1920 governs taxation of costs and provides, in pertinent part, that "A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree." Thus, the Court concludes that Defendant is entitled to entry of an amended judgment that includes the costs taxed against Plaintiff.

Accordingly, IT IS ORDERED that Defendant's motion is GRANTED and this Court

will issue an appropriate amended judgment.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: April 2, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 2, 2010, by electronic and/or ordinary mail.

S/Jennifer Hernandez

Case Manager